



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

US EPA RECORDS CENTER REGION 5



946593

JUL 07 1998

REPLY TO THE ATTENTION OF

SE-5J

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

A. E. Staley Manufacturing Company
CT Corporation System, Registered Agent
208 South LaSalle Street
Chicago, IL 60604-1135

Subject: **A.E. Staley Manufacturing Company**
Request for Information Pursuant to Sections 308 and
311 of the Clean Water Act, 33 U.S.C. §§ 1318 and 1321

To Whom It May Concern:

The United States Environmental Protection Agency ("U.S. EPA") is currently investigating the source, extent and nature of the discharge of sulfuric acid into or upon the navigable waters of the United States from the A.E. Staley Manufacturing Company, also referred to as A.E. Staley or the "facility". This investigation requires inquiry into the events which surrounded the release of sulfuric acid from the facility that occurred on June 22, 1998.

Pursuant to the authority of Sections 308(a) and 311(m) of the Clean Water Act ("the Act"), 33 U.S.C. §§ 1318(a) and 1321(m), you are requested to respond to the Information Requests enclosed. Compliance with the enclosed Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request within thirty (30) days of receipt of this letter can result in enforcement action by U.S. EPA pursuant to Section 309 of the Act, 33 U.S.C. § 1319, which, along with the Debt Collection Improvement Act of 1996 and implemented by the regulations at 40 C.F.R. Part 19, "Adjustment of Civil Penalties for Inflation," authorizes the United States to seek penalties from a Federal Court of up to twenty-seven thousand five hundred dollars (\$27,500) for each day of continued non-compliance. "Non-compliance" is considered by U.S. EPA to be not only failure to respond to these Information Requests but also failure to respond completely and truthfully to each Request. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to eleven thousand (\$11,000) or up to five (5) years of imprisonment or both under 18 U.S.C. § 1001.

The U.S. EPA has the authority to use the information requested herein in an administrative, civil or criminal action.

These Information Requests are directed to your company, its officers, directors, and employees and its subsidiaries, divisions, facilities and their officers, directors and employees. These Information Requests are not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Part 35.

Your response to these Information Requests should be mailed to:

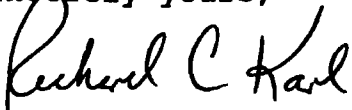
Beth A. Henning
Emergency Response Branch
U.S. Environmental Protection Agency
77 West Jackson Boulevard (SE-5J)
Chicago, Illinois 60604-3590

Please direct any questions you may have to Beth A. Henning at (312) 886-5892.

Due to the seriousness of the problem at the facility and the legal ramifications of your failure to respond promptly and properly, U.S. EPA strongly encourages you to give this matter your immediate attention and to respond to these Information Requests within the time specified above.

Thank you for your cooperation in this matter.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Richard C. Karl", is written over the typed name "William E. Muno".

William E. Muno
Director, Superfund Division

Enclosure

Request for Information
Pursuant to Sections 308(a) and 311(m) of the Act

INSTRUCTIONS

1. A separate, written, narrative response must be made to each Information Request.
2. Precede each answer with the number of the Information Request to which it corresponds.
3. In answering each Information Request, identify all contributing sources of information.
4. If information not known or not available to A. E. Staley Manufacturing Company, "A.E. Staley" as of the date of submission of its response should later become known or available, A.E. Staley must supplement its response to U.S. EPA. Moreover, should A.E. Staley find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, A.E. Staley must notify U.S. EPA as soon as possible.
5. For each document produced in response to these Information Requests, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
6. A.E. Staley must respond to these Information Requests on the basis of all information and documents in your possession, custody or control or in the possession, custody or control of A.E. Staley's former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to A.E. Staley, regardless of whether or not it is based on personal knowledge, and regardless of source.
7. The written statements in your response must be notarized and returned under an authorized signature certifying that all statements contained in the response are true and accurate to the best of the signatory's knowledge and belief.
8. If any documents requested have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.
9. U.S. EPA regulations concerning confidentiality and treatment of business information are contained in 40 C.F.R. Part 2, Subpart B. Information may not be withheld from the

Administrator or his authorized representative because it is viewed as confidential. However, when requested to do so, the Administrator is required to consider information to be confidential and to treat it accordingly, if disclosure would divulge methods or processes entitled to protection as trade secrets (33 U.S.C. §§ 1318(b) and 1321(m)(2)(D), and 18 U.S.C. § 1905), except that effluent data (as defined in 40 C.F.R. § 2.302(a)(2)) may not be considered by U.S. EPA as confidential. The regulations provide that one may assert a business confidentiality claim covering part or all of any trade secret information furnished to U.S. EPA at the time such information is provided to the Agency. The manner of asserting such claims is specified in 40 C.F.R. § 2.203(b). In the event that a request is made for release of information covered by such claim of confidentiality or the Agency otherwise decides to make a determination as to whether or not such information is entitled to such confidential treatment, notice will be provided to the claimant prior to any release of the information. However, if no claim of confidentiality is made when information is furnished to U.S. EPA, any information submitted to the Agency may be made available to the public without prior notice.

DEFINITIONS

For the purpose of the Instructions and Information Requests, the following definitions shall apply:

1. The term "you" or "A.E. Staley" shall mean the addressee of these Information Requests, the addressee's officers, managers, employees, contractors, trustees, predecessors, successors, assigns, subsidiaries, and agents.
2. The term "person" means, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
3. The term "facility" shall mean and include the entire property on which the A.E. Staley facility, 2200 East El Dorado, Decatur, Illinois, is and was located.
4. The term "oil" shall have the same definition as that contained in Section 311(a)(1) of the Act, 33 U.S.C. § 1321(a)(1).
5. The term "hazardous substances" shall have the same definition as that contained in Section 311(a)(14) of the Act, 33

U.S.C. § 1321(a)(14), including the substances listed in 40 C.F.R. Part 116.

6. The term "navigable water" shall have the same definition as that contained in the regulation at 40 C.F.R. § 110.1.

7. The terms "describe", or "submit" shall mean turning over to U.S. EPA either original or duplicate copies of the requested information in the possession, custody, or control of A.E. Staley. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.

8. The term "identify" means, with respect to a natural person, to set forth his full name, present or last known business address, the name of that employer and a description of the job responsibilities of such person.

9. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.) organization, if any, and a brief description of its business.

10. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance of the subject matter.

11. The term "discharge" shall have the same definition as that contained in Section 311(a)(2) of the Act, 33 U.S.C. § 1321(a)(2), which includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping.

12. The terms "document" and "documents" include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by the way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements, and the like, diary, calendar, desk pad, scrap book, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter,

telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc, or disc pack; and any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc or disc pack, tape or other type of memory and together with printouts of such punch card, disc or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any documents and (e) every document referred to in any other document.

13. The terms "and" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Information Requests any information which might otherwise be construed to be outside their scope.

REQUESTS

1. Describe, in detail, the discharge which occurred on or about June 22, 1998, from the facility and the response to the discharge, including, but not limited to the following:

- A. The duration, amount, and type of hazardous substance released;
- B. The specific source of the discharge (i.e. underground storage tank, portable transfer pump, pipeline, etc.) and possible causes for the discharge;
- C. The area affected by the discharge. Include an assessment of the damage to both public and private property, and to wildlife, resulting from the discharge and ensuing clean-up efforts.
- D. The details of any evacuation and or road/closing(s) necessary as a result of the discharge. This should include the duration and extent of the evacuation and or closing(s);
- E. A complete narrative of response efforts. Include the number of people involved, total man hours, duration of the clean-up, a list of all equipment used, and a

breakdown of the total cost of the response. Also include a current description of any areas affected by the discharge and the response efforts, and a narrative of current and future clean-up efforts resulting from the discharge.

F. A summary of the treatment and disposal of all hazardous substances and hazardous waste collected during the clean-up, including amounts and types of waste and any waste manifests.

2. Estimate the total amount of hazardous substances discharged from the facility where discharge came from, (i.e., UST, AST, etc.), including the amount that entered a navigable water, the amount recovered and the amount lost.

3. State any authority that was given to A.E. Staley that allowed the discharge of hazardous substance into Lake Decatur and associated tributaries or any other types of permits issued to A.E. Staley during the response action.

4. Submit copies of all analytical data of any samples taken from the area surrounding the discharge to Lake Decatur and associated tributaries, along with any other type of sampling done related to the discharge. Indicate if any samples have been preserved and retained by A.E. Staley.

5. Submit copies of all reports and studies regarding the discharge, the response efforts, damage assessment, and any other event or result related to the discharge since June 22, 1998.

6. Submit all copies of correspondence with the Illinois Environmental Protection Agency since June 22, 1998, that involve the discharge, the response, and any other discharge-related event.

7. Submit a detailed map of the area of the discharge. Show the extent of the discharge, location of recovery equipment, access routes and response staging areas, the areas that were evacuated and roads that were closed (if applicable), and any other pertinent details.

8. If any current monitoring of the discharge area exists, explain the type of monitoring and submit any reports and analytical results. Do not include reports and data already submitted pursuant to these Information Requests.

9. Describe any other oil or hazardous substance discharges which have occurred at your facility since June 22, 1994 and provide answers to Requests 2 through 8, above, for each such discharge.

10. When did the facility begin operating at this location? If A.E. Staley acquired the facility from another owner, when did A.E. Staley begin operating the facility at this location?

11. A. Does the facility have more than 42,000 gallons of oil in underground buried tanks, bunkers or other storage capacity?
- B. Does the facility have more than a total of 1,320 gallons of oil stored in tanks, bunkers, drums, totes, transformers, pails, or other storage containers that is not buried?
- C. Does the facility have a single tank, bunker, drum, tote, transformer, pail, or other storage container with a capacity to store more than 660 gallons of oil?
- D. If the answer to 11-A, 11-B, or 11-C, is "yes", what is the total oil storage capacity of the facility in gallons?
- E. If the answer to 11-A, 11-B, or 11-C, is "yes", does the facility have a Spill Prevention, Control and Countermeasures Plan as required by the regulation at 40 C.F.R. § 112.3? If so, submit a copy of the certification by a Professional Engineer as required by the regulation at 40 C.F.R. § 112.3(d), documentation of full approval of the plan by management as required by the regulation at 40 C.F.R. § 112.7, and a description of any amendments to the plan made pursuant to the regulation at 40 C.F.R. § 112.4.
12. A. Does the facility have more than 1 million gallons of total oil storage capacity?
- B. Does the facility a total oil storage capacity of 42,000 gallons or greater and transfers oil over water to or from vessels?
- C. If the answer to 12-A, or 12-B is "yes", does the facility have a Facility Response Plan as required by the regulation at 40 C.F.R. § 112.20? If so, submit a

copy of the letter from U.S. EPA approving the plan or granting interim approval.

